

Patent  
Attorney Docket No. BASF.10040

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas EHRHARDT et al.

Application No.: Unassigned

Group Art Unit: Unassigned

Filing Date: June 10, 2005

Examiner: Unassigned

Title: Malate Dehydrogenase as Target for  
Herbicides

Confirmation No.: Unassigned

**DECLARATION PURSUANT TO  
37 C.F.R. §§ 1.821-1.825**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Joshua T. Elliott, declare as follows:

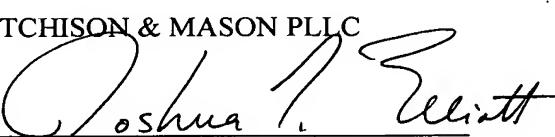
1. That the contents of the paper copy of the Sequence Listing and the computer readable copy of the Sequence Listing (submitted in accordance with 37 C.F.R. § 1.821 (e)) are the same in compliance with § 1.821(f).

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

HUTCHISON & MASON PLLC

By:

  
Joshua T. Elliott

Registration No. 43,603

Date: June 10, 2005

P.O. Box 31686  
Raleigh, NC 27612  
+1.919.829.9600